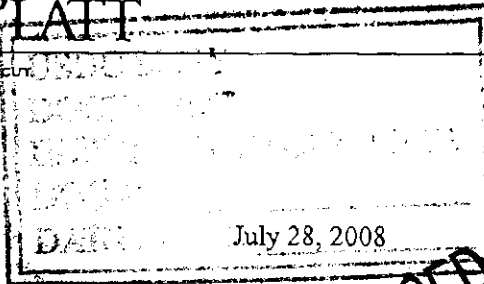


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United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Attn: Hon. George Yanthis

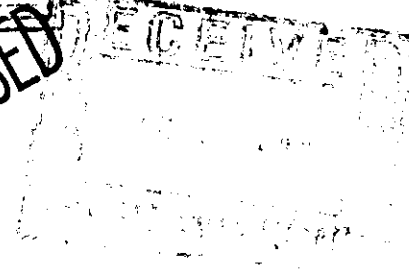
Re: REQUEST FOR PRE-MOTION CONFERENCE
Buckley v. Philips Electronics North America Corp.,
Philips Semiconductors Manufacturing, Inc., et al.
USDC:SDNY Case No. 07 Civ. 6775 (SCR)

Dear Judge Yanthis:

Please be advised that my firm represents the defendant Philips Electronics North America Defined Benefit Pension Plan (the "Plan") in the above-entitled action. In compliance with Your Honor's Rules, we hereby request a pre-motion conference to discuss the Plan's request to file on August 1, 2008, a Rule 12(b)(6) motion to dismiss the Complaint for the reasons stated below.

First, Plaintiff's newly alleged ERISA Section 510 "interference" claim in his Amended Complaint is time-barred by the applicable two-year statute of limitations. *See Sandberg v. KPMG Peat Marwick, LLP*, 111 F.3d 331, 336 (2d Cir. 1997). As pled in Paragraph 35 of the Amended Complaint, Plaintiff fully admits that he was notified in August 2004 that his employment with Defendant Philips was being terminated effective December 31, 2004. Prior to filing his Amended Complaint on April 23, 2008, the Plan was not a named defendant in this Action. Nor did Plaintiff notify the Court in his March 10, 2008 pre-motion letter that he was intending to name the Plan as an additional defendant in this Action. Plaintiff only filed suit against the Defendant Plan in the

MEMO ENDORSED



Counsel are directed to confer and provide the Court with a proposed schedule for the briefing of each motion within 10 days so as to file a motion with the Court by 7/31/08

Directed Counsel
7/31/08